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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 JAMES L. DAVIS, a.k.a.,
11 MICHAEL L. HOLMES,

12 Plaintiff,

No. CIV S-04-1390 LKK EFB P

13 vs.

14 TERESA A. SCHWARTZ,

15 Defendants.

ORDER

16 _____/
17 Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action
18 seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate
19 Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

20 On August 29, 2007, the magistrate judge filed findings and recommendations
21 herein which were served on all parties and which contained notice to all parties that any
22 objections to the findings and recommendations were to be filed within fourteen days. Plaintiff
23 has filed objections to the findings and recommendations.

24 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 72-
25 304, this court has conducted a de novo review of this case. Having carefully reviewed the
26 entire file, the court finds the findings and recommendations to be supported by the record and

1 by proper analysis.

2 Accordingly, IT IS HEREBY ORDERED that:


3 1. The findings and recommendations filed August 29, 2007, are adopted in full;

4 2. Plaintiff's October 20, 2006, motion for leave to file an amended complaint is
5 denied;

6 3. Defendant's January 16, 2007, motion for summary judgment is granted and
7 judgment is entered in her favor; and

8 4. The Clerk is directed to close the case.

9 DATED: September 26, 2007.

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11 
12 LAWRENCE K. KARLTON
13 SENIOR JUDGE
14 UNITED STATES DISTRICT COURT
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